

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

CADLEWAY PROPERTIES, INC.,)	
)	
Plaintiff,)	
)	
v.)	CIVIL NO. 1:04cv441
)	(consolidated with 1:05cv22)
)	
5620 INDUSTRIAL ROAD, LLC <u>et al.</u>)	
)	
Defendants.)	

OPINION AND ORDER

This matter is before the court following a telephone conference held on May 3, 2007. During this telephone conference the court discussed with counsel the recent opinion from the Seventh Circuit Court of Appeals, Cadleway Properties, Inc., v. Ossian State Bank, No. 06-2033. This appellate opinion was decided on February 15, 2007 and instructed the court to “ensure that it has subject-matter jurisdiction under § 1367(a) and, if it does, carefully consider its options under § 1367(c).”

During the conference the court first clarified whether, as the Seventh Circuit indicated, the SBA was no longer a party to either of the consolidated cases. The court was informed by the Assistant United States Attorney that the SBA no longer had an interest in the litigation in either case and was no longer a party. The court then discussed with counsel the viability of the cases as federal cases, and all concurred that the cases should be remanded to their respective originating state courts.

Accordingly, the cases will be remanded.

Conclusion

Case No. 1:04cv441 is hereby REMANDED to the Allen Superior Court, and Case No. 1:05cv22 is hereby REMANDED to the Whitley Circuit Court.

Entered: May 8, 2007

s/ William C. Lee
William C. Lee, Judge
United States District Court